

# EXHIBIT O

## PLANNING DIVISION STAFF REPORT

May 11, 2020

PREPARED FOR THE PLAN COMMISSION



**Project Address:** 2219 Monroe Street

**Application Type:** Conditional Use

**Legistar File ID #** [60001](#)

**Prepared By:** Timothy M. Parks, Planning Division and Matt Tucker, Zoning Administrator  
Report includes comments from other City agencies, as noted.

**Reviewed By:** Heather Stouder, Planning Division

### Summary

**Applicant & Property Owner:** Michael Elliott, Edgewood High School; 2219 Monroe Street; Madison.

**Requested Action:** Consideration of a conditional use on a Campus-Institutional (CI) District-zoned property without a campus master plan to allow for the establishment, improvement, or modification of a secondary use occurring outside of an enclosed building, to allow installation of lights for the stadium at Edgewood High School.

**Proposal Summary:** Edgewood High School is requesting approval to install four light poles to light the “Goodman Athletic Complex,” which includes an artificial turf field surface designed primarily for use as a regulation competition soccer, football, and lacrosse field, and a paved running track encircling the field, and a 450-seat metal bleacher on the east side of the complex. The lighting is intended to allow for evening use of the complex by the high school, including for practices and athletic competitions.

**Applicable Regulations & Standards:** Section 28.097(3) of the Zoning Code identifies educational uses associated with colleges, universities, and secondary and primary schools as a **primary use** in the Campus-Institutional (CI) zoning district. Stadiums, auditoriums, and arenas, open or enclosed, are identified as **secondary uses** in the CI district. All secondary uses must be utilized predominantly in a manner that is directly related and complementary to the CI district’s primary uses. Section 28.097(2)(d) requires that in a CI district without a Campus Master Plan, the establishment, improvement, or modification of any primary or secondary use occurring outside of an enclosed building shall require conditional use approval. Section 28.183 provides the process and standards for the approval of conditional use permits.

**Review Required By:** Plan Commission

**Summary Recommendation:** The Planning Division believes that the Plan Commission can find the standards for conditional use approval met to **approve** the installation of lights for the Goodman Athletic Complex at Edgewood High School at 2219 Monroe Street subject to the recommended conditions of approval beginning on page 8 of this report and input at the public hearing.

### Background Information

**Parcel Location:** The Edgewood campus, which consists of facilities for Edgewood College, Edgewood High School and Edgewood Campus School, is a 56.3-acre property bounded by Monroe Street on the north, Woodrow Street on the west, Edgewood Avenue on the east and Edgewood Drive and Lake Wingra on the south; Aldermanic District 13 (Evers); Madison Metropolitan School District. The three Edgewood entities own parcels that were

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created by a condominium plat of the 56.3-acre campus in 2011; the condominium declaration provides the governance structure for the operation of the overall property.

**Surrounding Land Use and Zoning:** The overall Edgewood Campus is surrounded by single-family residences in the Dudgeon-Monroe and Vilas neighborhoods located across Woodrow Street, Monroe Street, and Edgewood Avenue from the campus in the TR-C2 and TR-C3 (Traditional Residential–Consistent) zoning districts.

**Adopted Land Use Plans:** The 2018 Comprehensive Plan identifies the Edgewood Campus in the Special Institutional district. The residential neighborhoods that surround the campus are recommended for Low Residential uses, while Edgewood Drive and the Lake Wingra shoreline are recommended for Parks and Open Space uses.

**Zoning Summary:** The property is zoned CI (Campus-Institutional District).

Other Critical Zoning Items	
Yes:	Landmarks (Indian mounds on campus), Utility Easements, Waterfront Development (along southern edge)
No:	Wellhead Protection, Barrier Free, Urban Design, Floodplain
Prepared by: Planning and Zoning staff	

**Environmental Corridor Status:** The portion of the Edgewood campus located southeast of Edgewood Drive is located in a mapped environmental corridor, with areas of woodlands, wetlands and floodplain noted both within the corridor and immediately adjacent. The rest of the campus to the northwest, including the athletic field, is not located in a mapped environmental corridor.

**Public Utilities and Services:** The site is served by a full range of urban services, including seven-day Metro Transit service on Monroe Street.

## Previous Approvals and Requests

On April 8, 2014, the Common Council approved a request to approve a Campus-Institutional (CI) District Master Plan for Edgewood College, Edgewood High School and Edgewood Campus School as an integral part of the Zoning Code to govern the land use and provide basic bulk parameters for new construction on the campus.

On November 14, 2018, Edgewood High School submitted a request to amend the Campus-Institutional (CI) Zoning District Master Plan for the combined Edgewood College, Edgewood Campus School and Edgewood High School campus approved in 2014 to allow expanded use of the high school athletic field and to allow future construction of an enlarged and more substantial stadium for the athletic field. The request to amend the campus master plan was referred indefinitely at the request of Edgewood by the Common Council on February 26, 2019.

On October 1, 2019 the Common Council adopted the Third Substitute for Ordinance 19-00069 (ID [56981](#)), amending various provisions in the CI zoning district to more clearly delineates the difference between indoor and outdoor uses and clarify that the construction of a new building or additions to existing buildings that exceed 4,000 square feet in floor area within any five-year period in a CI district without an adopted master plan require conditional use approval. The amendment also established that primary and secondary uses occurring outside of enclosed buildings on a CI-zoned parcel without an adopted master plan require conditional use approval, including outdoor sports and recreational facilities, surface parking, utilities and transportation facilities, and open

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stadiums and arenas. Finally, the amendment clarified that in the CI-District *all* secondary uses must be utilized predominantly in a manner that is directly related and complementary to the institution's primary uses.

On January 7, 2020, the Common Council repealed the CI District Master Plan for Edgewood College, Edgewood High School and Edgewood Campus School based on a July 29, 2019 request by those institutions.

## Project Description

Edgewood High School is requesting approval of a conditional use to install lights for the Goodman Athletic Complex located in the northwestern corner of the overall Edgewood campus adjacent to the corner of Monroe and Woodrow Streets.

The current athletic facility includes an artificial turf field surface designed for use as a regulation competition soccer, football, and lacrosse field, and a paved running track that encircles the field. Woodrow Street abuts the field to the west, with road grade above the field starting at Monroe Street, and dropping below field elevation moving southward. A 450-seat metal bleacher is located on the east side of the field and track. The athletic complex is currently not lighted for competition, and there is no permanent/fixed public address (PA) system, although a portable PA system is occasionally used.

The conditional use request seeks to erect poles at the four corners of the complex to be outfitted with LED light fixtures. The pole locations are shown on the submitted plans as "F1," "F2," "F3," and "F4." The submittal proposes that the poles be either 68 feet or 80 feet in height (based on the grade of the field), and the application materials include photometric and glare studies for both height alternatives intended to demonstrate the impacts of lighting the field, track, bleachers, and environs of the athletic complex ("blanket grid"). The photometric studies include the maximum lighting levels proposed for football, soccer, and track uses, and specifically include proposed footcandle measurements at the Edgewood property lines adjacent to the Monroe Street and Woodrow Street rights of way. The anticipated glare impacts are measured in candelas on the heat maps included for each proposed pole height alternative. For clarity purposes, the first ten pages of the plan set regard the 68-foot tall pole alternative, with the remaining ten pages addressing the 80-foot alternative. The applicant indicates that the 80-foot tall poles will light the field more effectively, but that the 68-foot tall poles will be less visually intrusive. Lighting plans for the stadium have previously been reviewed and approved by Building Inspection Division Plan Review staff relative to MG0 Section 10.085, and it is expected that final plans will also meet this requirement.

No other improvements to the athletic complex or Edgewood Campus are proposed with this conditional use request. There is an extensive landscaped buffer consisting of both coniferous and deciduous trees located between the western edge of the athletic complex's track and the eastern curb line of the street, which continues around the corner at Monroe Street. No changes to the existing landscaping buffer are proposed at this time.

The letter of intent included with the conditional use request outlines the intended use of the proposed lights. The applicant indicates that the lights will shut-off automatically at 10:00 PM, Sunday–Thursday, and at 11:00 PM on Friday and Saturday, although the lights may be kept on beyond those times to "accommodate specially scheduled activities including, but not limited to, playoff games, games requiring overtime periods, weather delays, and health and safety delays." The letter also indicates that the lights facing Woodrow Street, F1 and F2, may be turned off sooner after an event is completed while the lights facing eastward into the campus, F3 and F4, may remain on while attendees and participants exit the athletic complex.

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## Analysis

Section 28.097(3) of the Zoning Code identifies educational uses associated with colleges, universities, and secondary and primary schools as a **primary use** in the Campus-Institutional (CI) zoning district. Stadiums, auditoriums, and arenas, open or enclosed, are identified as **secondary uses** in the CI district. The Zoning Code specifies that all secondary uses must be utilized predominantly in a manner that is directly related and complementary to the CI district's primary uses. Section 28.097(2)(d) requires that in a CI district without a Campus Master Plan, the establishment, improvement, or modification of any primary or secondary use occurring outside of an enclosed building shall require conditional use approval. Staff has determined that the proposal to install lighting for the open-air stadium represents the improvement of an allowed secondary use occurring outside an enclosed building, which requires conditional use approval prior to issuance of any permits necessary to install the poles and fixtures.

However, while the installation of the poles and fixtures to light the Goodman Athletic Complex for evening activities requires conditional use approval, the use of the stadium is not otherwise before the Plan Commission for consideration. The unlighted (daytime) use of the athletic field for athletic competitions, school events, and practices is allowed by right as a secondary use complementary to the Edgewood High School primary use. Staff does not believe that the unlighted use of the stadium may otherwise be regulated by the Plan Commission through its consideration of the request to install lights.

Furthermore, the actual lights themselves are governed by the City's lighting ordinance in MGO Section 10.085, and no permits for the lights may be issued unless they comply with the requirements of that section. While the Plan Commission is asked whether lights should be allowed for the Goodman complex, staff does not advise that the Plan Commission apply conditions that may be contrary to Section 10.085. In addition to potentially contradicting MGO, enforcement of those conditions through zoning approvals may be difficult from a practical standpoint.

The Zoning Code states that the Plan Commission may not approve an application for a conditional use unless it can find that all of the standards found in Section 28.183(6)(a), Approval Standards for Conditional Uses, are met. That section states: "The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the [standards for approval in Section 28.183(6) are met]."

The statement of purpose for the CI District states that the district "is established to recognize the City's major educational and medical institutions as important activity centers and traffic generators, accommodate the growth and development needs of these institutions, and coordinate the master plans of these institutions with the City's plans, policies and zoning standards." The district is also intended to "permit appropriate institutional growth within boundaries while minimizing the adverse impacts associated with development and geographic expansion;" "balance the ability of major institutions to change and the public benefits derived from change with the need to protect the livability and vitality of adjacent neighborhoods;" and "encourage the preparation of Campus Master Plans that enable adjacent neighborhoods and the broader community to understand the levels of development being proposed, their likely impacts, and appropriate mitigation measures."

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As noted earlier in the 'Background' section of this report, the 56.3-acre Edgewood campus is surrounded on three sides by single-family residences, with Edgewood Drive and Lake Wingra forming the other edge of the campus. A significant number of public comments both in support and opposition of the Edgewood High School request has been submitted for the Plan Commission's consideration. The comments are attached to the legislative file under the "Public Comments" links. Among the comments submitted in opposition are those from residents whose homes are located on the neighboring streets on the west and north sides of the campus, including a number of individuals with residences across Woodrow Street from the athletic complex. Many of the comments in opposition include concerns regarding noise from current daytime use of the field (whistles, spectators, coaches, etc.), which the commenters are concerned will be exacerbated by the installation of lighting. In general, comments in support of the stadium lighting request parity between Edgewood and other high schools with lighted athletic fields.

Staff believes that the most relevant standards of approval for this request to meet are standards 1, 3, and 4, which most directly address the impact that a conditional use may have on surrounding properties:

1. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*
3. *The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*
4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Staff does not believe, nor has it received comments or proposed conditions from other agencies, that the other standards dealing with transportation impacts, the City's ability to provide services resulting from the establishment of the conditional use, or design of the project, are pertinent in this case, or that those standards cannot be met.

While standards 1, 3, and 4 are the ones most often directly or indirectly cited by individuals concerned with some or many aspects of a controversial conditional use application, they are almost the most difficult standards and impacts for the Plan Commission to quantify compared to more tangible impacts like utility capacity or traffic impacts. As many of the public comments received against the subject lighting request to date suggest, many of the neighbors in close proximity to the Goodman Athletic Complex believe that use of the stadium already creates impacts on the quality of life in the neighborhood, primarily due to the noise generated from the current use.

However, despite these concerns, staff believes that the Plan Commission may find standards 1, 3, and 4 met to allow the installation of the proposed lights subject to conditions that would limit the impacts of the expanded use of the stadium on nearby residents.

In order to allow extended use of the athletic complex into the evening, staff believes that the commission should focus on the number of events held at the facility and the hours during which those events may occur. Staff acknowledges that some number of neighbors experience some amount of stadium noise, particularly during athletic competitions. However, by limiting the number of events that occur in the complex during the evening, the commission may create a balance between the desire by Edgewood High School to use its athletic complex for evening sporting events and *minimizing* impacts on the residential neighborhoods that border the institution on three sides consistent with statement of purpose for the Campus-Institutional zoning district excerpted above (*emphasis added*).

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As outlined in the letter of intent and summarized in the preceding section, Edgewood proposes to use the lights for an unlimited number of events until 10:00 PM Sunday through Thursday, and until 11:00 PM on Friday and Saturday, with exceptions for weather, injuries, etc. However, staff feels that some of these proposed limits are initially too broad to minimize impacts on surrounding properties, and instead recommends a series of conditions on both the number of events and the hours that the lights may operate. In summary, staff recommends:

- *That the number of non-practice events be limited.* Staff believes that it would be appropriate for the Plan Commission to specify a number of scheduled athletic competitions and any events or uses of the field that would rely on usage of the proposed lights after 7:00 PM. While not specified in their current request, Edgewood proposed up to 40 lighted events as part of their November 2018 request to amend the now-repealed campus master plan, which was subsequently reduced in correspondence provided circa January 7, 2019 to 25 (8 Friday night football games and 17 other athletic competitions). A limitation on the number of lighted events would be reasonable with the current conditional use request, with the potential for the initial limit of such events to be relaxed in the future by either a minor (alder and Planning Director-approved) or major (Plan Commission) alteration. The Plan Commission should consider the input at the public hearing from the applicant and community and determine the number of lighted non-practice events (athletic competitions/games, school activities) that it feels would be reasonable.
- *That use of the lights be limited to the Edgewood Campus institutions: Edgewood High School, Edgewood Campus School, and Edgewood College.* Staff believes that it would be appropriate to limit use of the lights to Edgewood High School and the two other educational institutions that share the 56.3-acre campus. As noted in Section 28.097(3), all secondary uses in a CI district shall be utilized predominantly in a manner that is directly related and complementary to primary uses of the institution. As the lights are proposed as an improvement to a secondary use of the Edgewood CI-zoned property, staff feels that limiting use of the lights to events by the three institutions is appropriate, and that use by entities other than the three schools would not be directly related and complementary to Edgewood's primary educational use.
- *That the lights be turned off 30 minutes following the conclusion of a scheduled non-practice event (athletic competitions/games, school activities) and no later than 10:00 PM Sunday through Thursday and 11:00 PM on Friday and Saturday.* Staff generally agrees with the proposed hours of operation for the lights in the letter of intent. However, the lights should be turned off sooner than 10:00 or 11:00 PM whenever possible based on the earlier completion of a scheduled event, including the time needed for spectators to exit the complex and for the field to be closed.

Further, "...specially scheduled activities including, but not limited to, playoff games, games requiring overtime periods, weather delays, and health and safety delays" is overly broad. While staff acknowledges that injuries occur during athletic competitions, which may cause delay in the completion of a game, and that weather can also cause delays, it feels that there is no need to formally incorporate those delays into any approval of the stadium lighting. If the proposed lights need to be kept on past 10:00 or 11:00 PM to allow a game delayed by weather or injury to be completed, staff recommends that documentation be kept by Edgewood so that any such need is substantiated in the event of a complaint against the approved conditional use. Otherwise, staff is unconcerned with the need to accommodate any other special activities, etc. noted in the letter of intent and does not wish to create any sort of "loopholes" that could make enforcing any conditions of approval difficult or impractical.

- *Event start times shall be scheduled to ensure that the 10:00 or 11:00 PM turn-off time for the lights can be met.* While injuries, weather delays, and other unexpected occurrences may occur from time to time during an athletic competition, other time-related impacts on a game, such as potential overtime or extra

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time periods, etc., or the time needed for participants and spectators to leave the stadium, should be considered when the events are scheduled. To this end, staff recommends that no events be scheduled to start after 7:30 PM without exception.

- *Lights may be used until 7:00 PM for practices, seven days a week.* In its original request in November 2018 to amend the now-defunct campus master plan, Edgewood proposed an unlimited number of practices until 7:00 PM. While staff wishes to limit events such as games, it does not feel that trying to limit practices would be an effective use of its enforcement resources. Rather, staff proposes to allow practices to extend until 7:00 PM each night without exception, out of consideration for nearby residents. The effect of this condition essentially would allow the lights to be used after 7:00 PM only for the number of scheduled non-practice events (athletic competitions/games, school activities) determined by the Plan Commission as discussed above.
- *That no changes to landscaped buffer on north and west be allowed without approval.* Staff has not taken a position on the height of the poles proposed to light the athletic complex. However, it acknowledges the visual buffer that the existing landscaping along the west and northwest sides of the stadium provides from nearby residential properties, and recommends that no changes to that landscaping be allowed without approval of an alteration.

However, to reiterate, any lighting installed will be required to comply with Madison General Ordinances, and staff does not advise that the Plan Commission apply conditions that may be contrary to the sections of MGO that otherwise govern.

## Conclusion

Edgewood High School is requesting conditional use approval to light its Goodman Athletic Complex using four poles of either 68 or 80 feet in height to allow use of the athletic field to continue into the evening hours past sunset. No other approvals, including enlarging the stadium or installation of a permanent sound system, are proposed at this time. As with many recent land use requests involving Edgewood, the lighting request has proven to be controversial, as evidenced by the significant number of public comments received, which are attached to the legislative file. While many of the comments received to date suggest an existing impact on uses, values, and enjoyment, the normal and orderly development of surrounding properties, or a negative impact on the public's "general welfare" from the daytime (unlighted) use of the athletic complex primarily due to noise generated, staff believes that the Plan Commission may find the conditional use standards met to allow the installation and use of lighting for the stadium under specific and limited conditions intended to minimize any further impact on the area surrounding the complex, bearing in mind that the daytime use of the complex without lights is allowed by right.

While limited use of the athletic complex after dark may exacerbate the noise impacts suggested by many of those commenting on the request, staff believes that a well-regulated conditional use approval can balance the needs of Edgewood while minimizing further impact on surrounding properties consistent with the statement of purpose of the Campus-Institutional zoning district. The conditions proposed by staff are intended to uniformly limit the hours that the lights may be used, and to ensure that the 10:00 or 11:00 PM proposed end-times for scheduled events are met with rare exception due to injury or weather. Staff believes that the Plan Commission should establish a specific number of non-practice events per school year that use the proposed lights following input at the public hearing to inform what a reasonable number might be. In the event that use of the lighted field successfully balances the needs of the athletic program at Edgewood with minimizing the impacts on neighboring

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properties, the number of events and other proposed conditions to limit this approval could be modified through the conditional use alteration process outlined in Section 28.183 of the Zoning Code.

Finally, as with any conditional use, the Plan Commission retains continuing jurisdiction for the purpose of resolving complaints as outlined in Section 28.183(9)(d) of the Zoning Code. Any resident, the Zoning Administrator, or other official may file a written complaint with the Plan Commission that one or more conditions of a conditional use have not been completed, or are being violated. If this were to occur, the Plan Commission would initially determine whether the complaint indicates a reasonable probability that the subject conditional use is in violation of a condition of approval, and if it does, may schedule a public hearing to bring the subject conditional use into compliance with the conditions previously imposed, modify the existing conditions, and impose additional reasonable conditions in consideration of the conditional use standards. If no reasonable modification can be made, the Plan Commission may revoke the conditional use.

## Recommendation

The Planning Division believes that the Plan Commission can find the standards for conditional use approval met to **approve** the installation of lights for the Goodman Athletic Complex at Edgewood High School at 2219 Monroe Street subject to the following conditions of approval and input at the public hearing.

Major/Non-Standard Conditions are Shaded

**Planning Division** (Contact Tim Parks, 261-9632) and **Zoning Administrator** (Contact Matt Tucker, 266-4569)

1. The final plans shall note that the photometric data represents compliance with MGO Section 10.085.
2. That the use of the lights for non-practice events (athletic competitions/games, school activities) be limited to Edgewood High School, Edgewood Campus School, and Edgewood College.
3. That stadium lighting used for practices be turned off at 7:00 PM nightly, without exception.
4. That, without exception, the number of scheduled non-practice events (athletic competitions/games, school activities) using the stadium lighting after 7:00 PM be limited to a number per school year (August 1 to July 31) to be determined by the Plan Commission following input at the public hearing.
5. That the lights be turned off 30 minutes following the conclusion of a scheduled non-practice event (athletic competitions/games, school activities) and no later than 10:00 PM Sunday through Thursday and 11:00 PM on Friday and Saturday.
6. No non-practice event (athletic competitions/games, school activities) using the lights shall be scheduled to start after 7:30 PM, without exception.
7. A landscaping plan shall be submitted for the athletic field, identifying existing species and size of trees and shrubs. This landscaping shall be maintained, dead trees replaced, and any new landscaping shall require approval of an alteration to the approved landscape plan.

**\*\*Conditions 2-7 above may be amended by approval of a minor alteration to the conditional use by the Director of the Planning Division following a recommendation by the district alder. If the minor alteration is not**

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**approved, the applicant shall file the request for alteration of the approved conditional use with the Plan Commission for consideration pursuant to the process and standards in Section 28.183 of the Zoning Code.**

**The proposed conditional use request was circulated to City agencies for review and comment per standard practice. Following review, none of those agencies has recommended conditions of approval for this request. However, a general comment on the request from Capt. Jason Freedman, Midtown Precinct of the Madison Police Department is attached as “MPD Comments” for the Plan Commission’s consideration.**